



FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS

The Committee on Model Criminal Jury Instructions has adopted the following amended model criminal jury instructions, effective February 2016.

ADOPTED

The Committee has adopted amended instructions for use in cases involving exemptions to carrying a concealed weapon charges, M Crim JI 11.13, 11.14 and 11.15, to comport with statutory amendments to MCL 750.231a.

M Crim JI 11.13 Exemption-Antique Firearm

(1) This law does not apply to a person who carries an antique gun. However, the antique gun must be completely unloaded and in a closed case or container designed for the storage of firearms [in the trunk of the vehicle / and it must not be easily accessible to the people in the vehicle].

[(2) An antique gun is any gun made in or before 1898 that is not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition.]

[(3) Antique guns also include any guns using a matchlock, flintlock, percussion cap, or similar type of ignition system or replicas of these systems, no matter what year the guns were made.]

[(4) An antique gun is also any gun made in or before 1898 that uses fixed ammunition of a kind that is no longer made in the United States and that is not readily available in commercial trade.]

(5) The prosecutor has the burden of proving beyond a reasonable doubt that the weapon was not an antique gun.

Use Note

This instruction is to be given when the trial court determines that evidence sufficient to satisfy MCL 776.20 relating to the antique gun exemption was introduced at trial.

M Crim JI 11.14 Exemption-Licensed Pistol Carried for a Lawful Purpose

(1) This law does not apply to a person who carries a licensed pistol in a vehicle for a lawful purpose. However, the pistol must be licensed, completely unloaded, and in a closed case or container designed for the storage of firearms [in the trunk of the vehicle / and it must not be easily accessible to the people in the vehicle].

(2) The prosecutor has the burden of proving beyond a reasonable doubt that the defendant was not carrying the pistol for a lawful purpose.

Use Note

This instruction is to be given when the trial court determines that evidence sufficient to satisfy MCL 776.20, relating to the carrying of a licensed pistol for a lawful purpose, was introduced at trial.

M Crim JI 11.15 Exemption-Pistol Carried En Route to Hunting or Target Shooting Area *[Deleted]*

Note: This instruction was deleted by the Committee in February 2016 when it was fully included within M Crim JI 11.14.